



"Belt, Regina (ENRD)"
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>
10/13/2006 11:06 AM

To TerryL@IcicleSeafoods.com, Cara
Steiner-Riley/R10/USEPA/US@EPA
cc Kimberly Ogle/R10/USEPA/US@EPA,
Katy_McKerney@dec.state.ak.us, Margo
Young/R10/USEPA/US@EPA

bcc

Subject RE: Guidance

History: This message has been forwarded.

Terry,

I will talkw ith EPA about your message. Cara is out today, so I may not be able to get back to you officially today, but will call this afternoon.

Gina R. Belt
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Environment & Natural Resources Division
U.S. Department of Justice
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-----Original Message-----

From: TerryL@IcicleSeafoods.com [mailto:TerryL@IcicleSeafoods.com]
Sent: Friday, October 13, 2006 9:53 AM
To: Belt, Regina (ENRD); steiner-riley.cara@epa.gov
Cc: Ogle.Kimberly@epamail.epa.gov; Katy_McKerney@dec.state.ak.us;
Young.Margo@epamail.epa.gov
Subject: Guidance

Gina and Cara,

I need guidance. On May 23, 2006, Icicle received a enforcement letter from EPA directing Icicle to submit a plan for cleaning up Pile A for "...EPA's review and approval." We did that and received EPA and ADEC comments in a letter dated August 25, 2006. That letter also stated that the Pile A plan and operation could go forward without awaiting resolution of the enforcement action. Since then, we have submitted revisions and responses that we believed had dealt with

everything except the silt fence around the barge to contain the dredged material. From our phone conversations and from the August 25 letter, we believed that EPA was consulting with ADEC on the Pile A cleanup plan and that all of the concerns were being addressed through correspondence with EPA. That letter also refers in the last paragraph to "...approval of the Plan by EPA and ADEC".

Although the Permit does state that we are required to submit a clean-up plan to ADEC, we have been working through the process as we believed EPA and ADEC intended. EPA now says that it does not have a role in approval and that we must submit a plan to ADEC, consult with an experienced environmental engineering consulting firm, and consult with the Corps. We thought that we were dealing correctly with EPA and ADEC throughout this process. We had hoped that we were a week away from being able to start the clean-up. That now appears impossible.

What should we do?

Terry

Margo's E-mail 10/13/06:

Dan:

EPA has completed its review of the waste pile cleanup plan for Udagak Bay. Under the Permit, Icicle is required to conduct a waste pile cleanup of Pile A that returns the seafloor to its natural state.

Icicle is required to submit a cleanup plan to ADEC for review and approval. The Permit is structured such that EPA does not have an approval role in the process; however, EPA has reviewed your plan, provided comments, and now makes the following recommendations:

- 1) Use all best management practices that are standard in dredging operations, including but not limited to: minimizing bucket drag on the seafloor bottom; minimizing the impact of turbidity on water quality and aquatic life; and eliminating or minimizing fallback of dredged material.
- 2) Develop and implement a Health and Safety Plan and comply with all OSHA requirements.
- 3) Seek review of the cleanup plan from an environmental engineering consulting firm with experience in dredging operations;

4) Develop a monitoring program to ensure that large-scale impacts are not occurring during plan implementation and include the findings in the final report;

5) Comply with all local, state and federal regulations and permits.

EPA specifically recommends that Icicle contact the Army Corps of Engineers to determine whether additional permits are required for this dredging project.

Please do not hesitate to contact me to discuss this matter.

Margo Young

EPA Region 10

Office of Compliance and Enforcement

NPDES Compliance Unit

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